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Santa Clara County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

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Performance Evaluation of Santa Clara County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Santa Clara County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2006/2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

Santa Clara CAC's pesticide use program is currently effective

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting

1) Permit Issuance

The Santa Clara CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The ten biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that
- Permit amendments follow approved procedures.

2) Site Evaluation

The Santa Clara CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC issued 204 agricultural permits and 37 nonagricultural permits during the subject year. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all NOIs in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

Santa Clara CAC conducted 181 use-monitoring inspections, 18 field worker safety inspections and 126 headquarter inspections. They also conducted 131 structural inspections, focusing on structural fumigations. Santa Clara CAC inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. Six biologists that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC's enforcement work plan. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

Santa Clara CAC conducted 42 investigations during FY 2006-2007. Santa Clara CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and/or notifies DPR and other agencies, as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response:

Santa Clara CAC issued ten civil penalty actions during FY 2006-2007. About two-thirds of the actions taken were for agricultural violations and the remaining one-third were for structural violations. The Santa Clara CAC enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties on employees.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities**Outreach and Training**

The Santa Clara CAC's office performs training to industry employees on pesticide laws and regulations and worker safety. The CAC also provides outreach materials on compliance with pesticide laws and regulations and worker safety to restricted material permittees.